

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 4426.]

The Committee on Military Affairs, to which was referred the bill (H. R. 4426) for the relief of Charles Fletcher, alias James H. Mitchell, have duly considered the same and adopt the report made in the House, and report the bill back to the Senate and recommend its passage. Said report is as follows:

[House Report No. 2653, Fifty-first Congress, first session.]

The evidence offered shows that Charles Fletcher, under the name of James H. Mitchell, was mustered in as a private of Company H, Ninety-fifth New York Volunteers, January 7, 1865, to serve three years, and was reported as deserted June 15, 1865, from Ball's Cross Roads, Virginia. The command was mustered out of service one month later.

This soldier says he did not intend to desert, but was broken down in health, and, being sick, he left the command at Arlington and returned to his home in the District of Columbia, and that when he was convalescent he found that his company had been mustered out of service and disbanded. The soldier did not absent himself until after the war was over. The evidence offered in the case is printed herewith and made a part of this report.

The committee recommend that the bill do pass.

Case of Charles Fletcher, alias James H. Mitchell, late private Company H, Ninety-fifth New York Volunteers.

The records show that James H. Mitchell was enrolled and mustered in as a private of Company H, Ninety-fifth New York Volunteers, at Tarrytown, N. Y., January 7, 1865, to serve three years, and appears present for duty until June 15, 1865, when he deserted from Ball's Cross Roads, Virginia.

He did not rejoin his command up to its muster-out on July 16, 1865, nor report his whereabouts or the cause of his absence to the proper military authorities of the United States.

His original application was returned to him (through his attorney) on June 27, 1889, with the information that his case was not covered by the act of March 2, 1889 (his total service prior to May 1, 1865, amounting to a less period than six months).

As no new evidence has been presented (he filed none in support of his original claim) the soldier's status has not since been changed.

* Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

DISTRICT OF COLUMBIA, *County of Washington*, ss :

Francis C. Tucker, of lawful age, being duly sworn, deposes that he resides at 2530, P street, northwest, Washington, D. C., and has all his life known the applicant, Charles Fletcher, and in the fall of 1864 affiant gave Fletcher money to go to New York and enlist in the Army.

A short time thereafter he received a package of \$250 from Tarrytown, N. Y., and having told the express agent he expected money from Charles Fletcher, the same was withheld, because sent by James H. Mitchell, until correspondence revealed the fact that they were one and the same person.

That affiant thereafter learned that Fletcher had enlisted in Company H, Ninety-fifth New York Volunteer Infantry, and learning about the 1st of July, 1865, that said regiment was encamped just across the river, he visited claimant and found him there serving in said company and regiment, under the name of James H. Mitchell.

That applicant came to the city to visit his friends the 4th of July, and was taken sick and was unable to rejoin his regiment prior to their taking transportation to New York; and that he has no interest in the application.

FRANCIS C. TUCKER.

Witness:

THOS. J. STALEY.

Sworn to and subscribed before me this 21st day of June, 1889, and I further certify that I have no interest in this application.

[SEAL.]

THOMAS J. STALEY,
Notary Public.

DISTRICT OF COLUMBIA, *County of Washington*, ss :

Charles Fletcher, being duly sworn, deposes and says that he is the identical person who enlisted and served in Company H, Ninety-fifth Regiment, New York Volunteer Infantry, under the name of James H. Mitchell.

That from his birth to the time of his enlistment he resided in the said District of Columbia, and his parents and friends being averse to his going in the Army, he went to Tarrytown, N. Y., and there about December, 1864, he enlisted in said company and regiment.

That he served faithfully till the close of the war, and while on the march home and while said regiment was at Arlington Heights, Virginia, just across the river from the city, he came over to visit his friends.

That his health was very much broken with the fatigues of the spring campaign and rapid march returning and he was taken ill, and while ill his regiment moved, and when convalescent he learned that they had been paid off and disbanded.

That he fully intended to serve out his full period of enlistment and would have done so had he not been prevented as above stated and set forth, and he asks, in view of the premises, that he be now honorably discharged, and any and all charges standing against him be removed and canceled.

(On the margin :) The deponent further says that none of the officers or enlisted men in said regiment know him by any other name than James H. Mitchell.

CHAS. FLETCHER.

DISTRICT OF COLUMBIA, ss :

Subscribed and sworn to before me the 21st day of June, 1889, and I further certify that I have no interest in this application. I further certify that the marginal note was made before signing.

[SEAL.]

WILLIAM W. MOFFETT,
Notary Public.

DISTRICT OF COLUMBIA, *County of Washington*, ss :

In the matter of the application of Charles Fletcher, alias James H. Mitchell, for removal of charge of desertion, personally appeared Charles Fletcher, who, being duly sworn, deposes and says that within a few days after his enlistment he joined his company, the same being Company H, Ninety-fifth Regiment, New York Volunteer Infantry, and took part with them in the battles of Dabney's Mills, Hatcher's Run, and Five Forks.

That the weather was very bad and stormy during the entire spring campaign; that he was but sixteen years of age, and the exposure and fatigue brought on piles and rheumatism, which were aggravated by the rapid march back to Washington.

That he has held no correspondence with either officers or men of his company and does not know their whereabouts.

That when he obtained leave to visit his family in this city he fully intended to return to duty on the day following, and would have done so had he not been taken down with fever.

That there was no other duty remaining to be done by him except to proceed to New York, be mustered out, and to receive his pay.

CHARLES FLETCHER.

Subscribed and sworn to before me this 24th day of March, 1890.

[SEAL.]

N. D. ADAMS,
Notary Public

